

Doc. 99-92

DOCKET FILE COPY ORIGINAL

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

RECEIVED

MAY 21 1990

Federal Communications Commission  
Office of the Secretary

In the Matter of )

Request by A.C. Nielsen Co. )  
for Permissive Authority To )  
Use Line 22 of the Active )  
Portion of the Television Video )  
Signal )

DA 89-1060

To: The Commission

**OPPOSITION TO MOTION TO WITHDRAW TEMPORARY AUTHORITY**

**A.C. NIELSEN COMPANY**

Of Counsel:

Philip L. Verveer, Esq.  
Mary P. McManus, Esq.

**WILLKIE FARR & GALLAGHER**  
1155 21st Street, N.W.  
Washington, D.C. 20036  
(202) 328-8000

Grier C. Raclin, Esq.  
Kevin S. DiLallo, Esq.

**GARDNER, CARTON & DOUGLAS**  
1001 Pennsylvania Avenue, N.W.  
Suite 750  
Washington, D.C. 20004  
(202) 347-9200

Its Attorneys

Dated: May 21, 1990

## **SUMMARY**

VidCode's Motion to Withdraw Temporary Authority ("Motion") should be denied. Nielsen has not violated the conditions of its Authority granted in November, 1989, and extended indefinitely on May 1, 1990. That Authority prohibited Nielsen from incidentally and unintentionally encoding broadcast material which it did seek to monitor and from otherwise adversely affecting other authorized users of line 22. The Authority did not prohibit Nielsen from encoding any broadcast material -- commercial or otherwise -- that Nielsen had been requested to track. Because Nielsen intended to track the program material and associated commercials which are the subject of VidCode's motion, and the encoding of such material was undertaken with the supervision of the syndicator of the programming, Nielsen did not violate the conditions of its Authority, and that Authority should not be withdrawn.

Moreover, neither VidCode nor any other party was harmed by Nielsen's tests. Indeed, the only harm of which VidCode complains is a potential loss of market share if Nielsen offers a service which is more responsive to the marketplace's demands than VidCode's service. The Commission previously has refrained from interfering with marketplace operations and should do so again here.

VidCode's suggestion that line 20 is acceptable for Nielsen's purposes is a reincarnation of an argument that has been discussed and resolved earlier in this proceeding. Both the Commission and Airtrax, another of Nielsen's putative competitors, have recognized that line 22 is superior to line 20 for use of SID codes. VidCode's proposal that local stations undertake encoding is completely impractical, prohibitively expensive, and would involve a total abandonment of the concept of an independent verification service.

Similarly, VidCode's suggestion that syndicators can obtain the ratings they need by contracting directly with licensees to broadcast AMOL codes in conjunction with syndicated programming ignores the underlying need for independent program verification and the fact that the marketplace already has rejected such an approach in favor of a verification service provided by independent parties such as VidCode and Nielsen.

## TABLE OF CONTENTS

	<u>PAGE</u>
I.    NIELSEN HAS NOT EXCEEDED THE SCOPE OF ITS TEMPORARY AUTHORITY . . . . .	3
II.   THE NEED TO USE LINE 22 HAS BEEN ESTABLISHED CONCLUSIVELY . . . . .	9
A.    Line 20 Has Been Widely Recognized to be Inferior to Line 22 for SID Encoding of Syndicated Programming . . . . .	9
B.    VidCode's Suggestion That Licensees Encode Material Themselves Is Completely Impractical and Reveals VidCode's Total Inggnorance of the Industry . . . . .	11
III.  NIELSEN'S SERVICE IS ESSENTIAL TO SYNDICATORS, PROGRAMMERS, LICENSEES, AND ADVERTISERS . . . . .	13

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Request by A.C. Nielsen Co.	)	
for Permissive Authority To	)	DA 89-1060
Use Line 22 of the Active	)	
Portion of the Television Video	)	
Signal	)	
<hr/>		
To: The Commission		

**OPPOSITION TO MOTION TO WITHDRAW TEMPORARY AUTHORITY**

A.C. Nielsen Company ("Nielsen"), through its attorneys, hereby opposes the Motion to Withdraw Temporary Authority ("Motion") filed by VidCode, Inc. ("VidCode") on May 10, 1990. For the reasons stated below, VidCode's Motion should be denied.

1. VidCode's Motion is based solely upon speculation, hyperbole, misstatement, and unsupported contentions. VidCode's argument is that Nielsen AMOL codes have been detected on commercial material incorporated into programming aired on a Boston, Massachusetts television station; that such encoding violated supposed restrictions contained in Nielsen's

Authority;<sup>1/</sup> and that these alleged violations have harmed VidCode. See Motion at 2-3 & accompanying Affidavit of Christopher D. Pearce at ¶¶ 2-3. In a weak attempt to justify the dissimilar treatment Nielsen has received,<sup>2/</sup> VidCode also argues that Nielsen's use of line 22 "necessarily" will preclude from the market other authorized users of line 22, and therefore Nielsen's is supposedly dissimilar to other authorized uses of line 22. Motion at 3-4. VidCode also resurrects an argument fully refuted by Nielsen, conceded by Airtrax, and rejected the Commission, that Nielsen does not need to use line 22 because line 20 is suitable for Nielsen's purposes. Motion at 6-7. Indeed, VidCode offers as a solution to the well-recognized problem of "stripping" codes from line 20 the absurd and prohibitive notion that licensees encode material themselves prior to broadcast, Motion at 7-8; and it suggests that Nielsen has no need to use line 22 to serve

---

<sup>1/</sup> By letter to the undersigned from the Chief of the Mass Media Bureau dated November 22, 1989, authority was granted to Nielsen to secure the encoding of line 22 of broadcast material which Nielsen seeks to track, and corresponding authority was granted to broadcast licensees to transmit Nielsen's AMOL codes (the "Authority"). On May 1, 1990, the Authority was extended indefinitely, pending resolution of various issues raised in opposition to Nielsen's March 15, 1990 Request for Permissive Authority.

<sup>2/</sup> For example, unlike the far more expeditious review and granting of VidCode's analogous authority, Nielsen's request for permissive authority to use line 22 was subject to public notice and comment procedures and has been pending final Commission approval for over 10 months.

syndicators because the syndicators can contract directly with broadcast licensees to transmit AMOL codes on line 20 of the syndicated material. Motion at 9. As demonstrated below, each of VidCode's arguments is meritless and devoid of any meaningful rationale.

**1. NIELSEN HAS NOT EXCEEDED THE SCOPE OF ITS AUTHORITY**

2. At the heart of VidCode's Motion is its contention that, because certain commercial material appeared to have been encoded with AMOL codes, the conditions of Nielsen's Authority were violated. Motion at 2-3. The encoding apparently referred to by VidCode was strictly within the scope of the Authority granted to Nielsen in November, 1989.

3. Nielsen's Authority prohibited only the "incidental and unintended" encoding of commercials that are not being monitored by Nielsen. Authority at 4, 5. The encoding of commercials noted by VidCode was intentionally performed under the direction of Warner Brothers, the syndicator of the material into which the encoded commercials were incorporated.<sup>3/</sup> See Letter to the undersigned from Mark Miller, Counsel for Warner Brothers Productions (Attachment A hereto). Thus, there is no question but that the encoding noted by VidCode was well within the Authority.

---

<sup>3/</sup> Each of the instances of encoding apparently referred to by VidCode occurred in conjunction with advertisements that were incorporated into programming entitled "Alvin and the Chipmunks." See Pearce Affidavit at ¶¶ 2-3 and accompanying videotape.

4. VidCode's allegation that the Authority does not allow encoding of any commercials, whether or not Nielsen is tracking the commercials or Nielsen's customers have authorized their encoding, is draconian and contrary to the plain language of that Authority. See Motion at 2. On its face, the Authority prohibits only the encoding of commercials or other broadcast material without the authorization of Nielsen's customers, and prohibits adverse interference with other authorized users of line 22. The Authority clearly permits Nielsen to arrange for encoding of broadcast material, commercial or otherwise, for which it has received authorization from its customers.<sup>4/</sup>

5. Moreover, Nielsen's encoding of the commercial material VidCode recorded in no way interfered with VidCode's or any other authorized use of line 22 and did not preclude other authorized uses of line 22. It is revealing that VidCode makes no claim of any adverse effects to its own codes or business from Nielsen's tests of its line 22 system; in fact, VidCode's use of line 22 was in no way affected by the encoding challenged in its pleading. VidCode does not even contend that it encoded material inserted into the referenced programming, or that its codes were overwritten or adversely affected in any other manner.

---

<sup>4/</sup> In part because of VidCode's Motion, Nielsen has requested clarification of this aspect of the Authority. See Letter from the undersigned to Roy J. Stewart (May 11, 1990) (served on all parties).



6. VidCode's only complaint is that Nielsen's system will succeed in meeting marketplace demands so well that VidCode might be "adversely affected" by a lack of demand for its own services. See, e.g., Motion at 2-3 & n.2, 4, 8 n.7. Such speculative complaints are not only inapposite, they do not relate to activity which the Commission is empowered to regulate under the Communications Act, or even which it is institutionally suited to regulate. Contrary to VidCode's assertions and motives, the Commission's resources are not intended to be used by private parties as leverage to improve their competitive position by eliminating or impairing competitors in the marketplace. VidCode's argument that "the policy underlying the authorization of special signal access to the VBI and Line 22 . . . is expressly premised on the Commission's ability to preclude one such user from obtaining competitive advantage over another authorized user," Motion at note 3, therefore is flawed in several respects.

7. First, the policy of which VidCode speaks is not premised on an ability to prevent a superior competitor from using legitimate means to gain a preeminent position in the marketplace; in fact, the Commission expects a sort of commercial "Darwinism" to occur. In Coded Information in TV Broadcasts, 18 R.R.2d 1776, 1791 (1970), which VidCode cites, the Commission stated with obvious approval, "While . . . we are persuaded that . . . there will be no legal or technical

impediment to others engaging in monitoring activities competitive to IDC, it would appear that IDC may gain a substantial competitive advantage by being the first able to offer this service to clients." The fact that Nielsen might be able to provide a service that is more responsive to the marketplace's demands for similar services is no reason to prohibit or inhibit its efforts.

8. Second, the authority VidCode cites in support of its argument provides no support whatsoever for its position. In fact, that authority demonstrates a sound Commission policy of refraining from interference with marketplace forces until such time as it appears that a breakdown of competitive forces has occurred. See id. (Commission would refrain from taking action to regulate users of line 20 unless it becomes apparent "that others are effectively precluded from taking advantage of" line 20, in which case Commission "will take such steps as then appear appropriate in light of the situation"). There has been and should be no "breakdown" of marketplace forces (unless created by the Commission by a continued unfair restriction of Nielsen's competitiveness) and the Commission accordingly should forebear from interfering in the marketplace unless competitive forces fail.

9. Finally, it is not at all clear that the Commission has the "ability" VidCode confers on it to interfere with legitimate exploitation of a superior product or service when

the only harm to potential competitors is a possible loss of market share. On the contrary, the Commission has relied on the marketplace in many other contexts to "regulate" competitors within an industry, as it should do here. See, e.g., Competitive Carrier Rulemaking (First Report and Order, 85 F.C.C.2d 1, 30-33 (1980); Resale and Shared Use Policies (Report and Order), 60 F.C.C.2d 261, 309 n.86 (1976); see also Nielsen's Comments in this proceeding (filed September 22, 1989) at 16-17 & accompanying note; Nielsen's Reply Comments (filed October 2, 1989) at 6-9, 21-27 & accompanying notes; Reply to Opposition of Vidcode, Inc. (Erratum filed April 25, 1990) at 5-7.<sup>5/</sup>

10. The Commission already has rejected similarly fatalistic predictions of preclusion of alternative uses of line 20 when it authorized broadcast licensees to transmit Signal Identification ("SID") codes on that line. The

---

<sup>5/</sup> See also Inquiry Into the Need For a Universal Encryption Standard For Satellite Cable Programming, - F.C.C.Rcd., FCC 90-142 (released April 25, 1990); Amendment of Parts 2 and 22 of the Commission's Rules to Permit Liberalization of Technology and Auxiliary Service Offerings in the Domestic Public Cellular Radio Telecommunications Service, 3 F.C.C.Rcd. 7033, 7041 (1988); Revisions to Part 21 of the Commission's Rules Regarding the Multipoint Distribution Service, 2 F.C.C.Rcd. 4251, 4252 (1987); Amendment of Parts 2, 73, and 76 of the Commission's Rules to Authorize the Offering of Data Transmission Services on the Vertical Blanking Interval by TV Stations, 57 R.R.2d 832, 834-35 (1985); Amendment of Parts 22, 90 and 95 of the Commission's Rules to Require Conversion to More Spectrum-Conservative Technologies, FCC 85-186 (released April 19, 1985); Domestic Fixed Transponder Sales, 90 F.C.C.2d 1238, 1249 (1982).

Commission explained, "Because we have not reserved a line for SID signals, we believe it is clear that the transmission of SID signals, while permissible, does not preclude the use of line 20 for other purposes." Radio Broadcasting Services: Transmission of Program Related Signals in the Vertical Blanking Interval of the Standard Television Signal, 46 Fed. Reg. 40024 (August 6, 1981) (emphasis added).

11. In the case of Nielsen's line 22 AMOL system, as well, no preclusion of alternative users will occur. The AMOL encoding will not adversely affect other authorized users of line 22 in the normal course of business because all authorized users have the right to sell services that use line 22. Because encoding must first be requested by Nielsen's -- or other authorized users' -- customers, it is the individual customer that ultimately will determine which user of line 22 best satisfies its needs, and will receive the necessary authorization and request to encode line 22 of the customer's material. In other words, the marketplace will determine which users of line 22 provide services that best satisfy the consuming public's demands, and, based on that criterion, which users will be permitted to encode which broadcast materials.

12. Nielsen's tests best illustrate Nielsen's point and entirely discredit VidCode's predictions of preclusion. The relevant material was encoded pursuant to Nielsen's customer's direction. No other entity was requested to encode that

material and therefore no other codes were present on line 22 of the material before Nielsen's codes were encoded thereon, and no other authorized user of line 22 was adversely affected. Consequently, Nielsen has not violated the terms of its Temporary Authority, and there is no basis for that Authority to be withdrawn.

II. THE NEED TO USE LINE 22 HAS BEEN ESTABLISHED CONCLUSIVELY

13. VidCode resurrects the stale argument that Nielsen has not established a need to use line 22 to provide its ratings service. Motion at 6. Not only is this argument incorrect, it is wasteful for VidCode to require an expenditure of the Commission's resources to consider an argument that has been conclusively resolved.

A. Line 20 Has Been Widely Recognized to be Inferior to Line 22 for SID Encoding of Syndicated Programming

14. Nielsen has repeatedly explained the need for the more reliable syndicated programming ratings that use of line 22 affords as compared to line 20, and will not repeat that explanation yet another time. See, e.g., Nielsen's Comments in this docket (filed September 22, 1989) at 9-10 & accompanying notes; Reply Comments (filed October 2, 1989) at 3, 16-17 & n.17, 18-20 & nn. 20-21; Reply to Opposition of VidCode, Inc. (Erratum filed April 25, 1990) at 10-11. More importantly, the Commission has at least twice recognized that Nielsen has

justified the use of line 22 to provide its ratings service for syndicated programming. See Public Notice, DA 89-1060 (released September 1, 1989); Letter from Roy J. Stewart to Grier C. Raclin (November 22, 1989) at 3.<sup>6/</sup> VidCode's argument regarding the suitability of line 20 already has been considered and rejected, as it should be again.

15. VidCode alleges that it detected Nielsen's codes on line 20 of the intercepted broadcast, see Motion at 6-7 & Pearce Affidavit at ¶¶ 2-3, and that this proves that line 20 is acceptable for full deployment of Nielsen's service. Motion at 6-7. The fallacy of VidCode's argument is embarrassingly obvious: Merely because Nielsen's codes were not stripped from line 20 during the isolated instances cited by VidCode does not mean that such codes will never be stripped from line 20. Indeed, as noted previously, the overwhelming weight of the evidence -- and Airtrax's own position in this proceeding -- is that line 20 is inferior to line 22 for uses such as Nielsen's

---

<sup>6/</sup> In his letter granting Nielsen's Request for Temporary Authority, the Chief of the Mass Media Bureau wrote:

Nielsen submits that some video recording equipment does not reproduce information contained in the vertical blanking interval faithfully. Because modifications to recording equipment to correct this type of defect will be impossible in some cases and very burdensome or expensive in others, and because no other line within the vertical blanking interval is likely to be more reliable, we find Nielsen has justified the proposed use of line 22.

Authority at 3.

because the stripping problem that occurs with line 20 is far too common to yield reliable verification results.<sup>1/</sup>

**B. VidCode's Suggestion That Licensees Encode Material Themselves Is Completely Impractical and Reveals VidCode's Total Ignorance of the Industry**

16. VidCode offers that Nielsen can use line 20 to provide its syndicated program ratings and avoid the stripping problem by placing encoding devices in each local station that broadcasts Nielsen-encoded programming. Motion at 7-8. Because certain encoding equipment identified by VidCode costs only \$4,200 per unit, and VidCode estimates that "Nielsen would have to place these encoders in [no] more than 20 to 50 stations," Motion at 8, n.6, VidCode estimates that the cost to Nielsen of its proposal would be less than \$100,000.00. VidCode's proposal is ludicrous and reveals VidCode's total lack of knowledge of the ratings industry.

---

<sup>1/</sup> A January 20, 1989 marketing letter from Airtrax to syndicators (previously submitted by Nielsen as Attachment A to its October 2, 1989, Reply Comments in this docket) emphasizes that using line 22 does not involve the stripping of codes that can occur when line 20 is used:

One of the major differences between AirTrax and the A.C. Nielsen AMOL system, is that AirTrax has been granted FCC approval to use the first line of active video where the AMOL code is recorded in the vertical blanking interval. As AirTrax is on line 22 of the active video, the AirTrax code is not subject to normal station broadcasting equipment processing which can interrupt the AMOL coding system.

Letter from Arnold M. Dubin, CEO, Airtrax, to Syndicators (January 20, 1989) at 1.

17. First, VidCode's proposal would completely undermine the whole purpose of a verification system. It is essential that an independent party encode the programming and commercial material that is being tracked and monitor the broadcast of such material in order to provide an independent verification that such broadcast occurred at a particular time, and for a particular length of time. If local stations were left to provide the encoding, there would be such independent verification activity.

18. Moreover, the codes placed on the programming by each individual station almost certainly would lack uniformity. Thus, Nielsen would be forced to coordinate with each local station to interpret the respective stations' codes. Uniformity of the coding system is the foundation upon which Nielsen's system is built, in much the same way as the now ubiquitous Uniform Bar Code system for consumer goods requires uniformity of codes. Any alternative would involve a manual data collection and processing burden far too costly to be justified. If the uniformity were lost, the value of either of these systems also would be lost.

19. VidCode's proposal also assumes that each local station will be willing to cooperate with the in-station encoding and will have the personnel and time to undertake the burdensome task. Such cooperation would be unlikely in light of the size of the task, and would entail the unnecessary



burdens of a manual system which Nielsen has made obsolete through its automated technology.

20. Finally, VidCode's cost estimates are woefully low. While VidCode estimates that only 20 to 50 stations would require encoders, the fact is that it is impossible to predict when a video tape recorder ("VTR") will strip code at specific times. Therefore, each local station will need to encode all programming and commercial material that it receives. This means that some 1300 stations will need encoders; at VidCode's estimate of \$4,200.00 per unit, the cost to Nielsen would approach \$5.5 million -- for a system that would be, in practice, completely unreliable, largely manual, and therefore worthless! There also is absolutely no justification for imposing such a cost uniquely upon Nielsen. For all these reasons, VidCode's proposal concerning licensee in-station encoding on line 20 should be rejected.

### III. NIELSEN'S SERVICE IS ESSENTIAL TO SYNDICATORS, PROGRAMMERS, LICENSEES, AND ADVERTISERS

21. In a final desperate attempt to undercut Nielsen, VidCode appears to argue that Nielsen's service is unnecessary to syndicators because, if they "truly desire AMOL information," syndicators could contract with local stations to broadcast AMOL codes along with the syndicated programs. Motion at 9. Its vagueness and naive simplicity aside, VidCode's argument ignores the importance -- indeed the

necessity -- of having an independent entity verify local stations' broadcasts. Moreover, VidCode ignores that the market could now implement -- but, for the reasons stated above, has rejected -- VidCode's suggested solution. There is absolutely no restriction at this time that would inhibit or disallow syndicators from contracting directly with licensees in the manner suggested by VidCode. But the market has developed differently, to call upon single entities, whether they be VidCode, Nielsen, or others, to perform and coordinate the encoding, monitoring and data processing tasks. There is no reason for the Commission to impose upon the marketplace a solution it has already rejected.

For the foregoing reasons, Nielsen respectfully requests that VidCode's Motion to Withdraw Temporary Authority be denied.

Respectfully submitted,

A.C. NIELSEN COMPANY

By: 

Grier C. Raclin, Esq.  
Kevin S. DiLallo, Esq.

GARDNER, CARTON & DOUGLAS  
1001 Pennsylvania Avenue, N.W.  
Suite 750  
Washington, D.C. 20004  
(202) 347-9200

Its Attorneys

Dated: May 21, 1990





**WARNER BROS.**

Warner Bros. Inc.  
4000 Warner Boulevard  
Burbank, California 91522  
(818) 954-3671  
Cable Address: Warbros

Mark A. Miller  
Attorney  
Corporate Legal

May 4, 1990

VIA TELECOPY AND FEDERAL EXPRESS  
202 628 0470

Grier Raclin  
c/o Kevin S. DiLallo, Esq.  
2201 Ontario Road, N.W.  
Washington, D.C. 20009

Re: Monitoring of Television Programs Distributed by  
Warner Bros. Television Distribution, Inc. and  
the Commercials Inserted Therein

Dear Mr. Raclin:

I am writing on behalf of Warner Bros. Television Distribution, Inc. to confirm its long standing and continuing request that the A.C. Nielsen Co. monitor not only the television programs distributed by Warner Bros. Television Distribution, Inc. on a barter basis, e.g. "ALVIN AND THE CHIPMUNKS," but also the television commercials inserted by Warner Bros. Television Distribution, Inc. therein. In light of this request, Warner Bros. Television Distribution, Inc. hopes that the A.C. Nielsen Co. is successful in its tests and the implementation of an AMOL system on line 22 which will permit the A.C. Nielsen Co. to monitor both programs and commercials.

Sincerely yours,

Mark A. Miller, Counsel to  
Warner Bros. Television Distribution, Inc.

cc: David Harkness  
(Via telecopy: 212-708-7795)

MAM:kh1686(b)

A Time Warner Company

Certificate of Service

I, Kimberly A. Smith, a secretary in the law firm of Gardner, Carton & Douglas, hereby certify that copies of the foregoing Opposition to Motion to Withdraw Temporary Authority were served this 21st day of May, 1990, by hand and/or first class mail postage prepaid on the following:

The Honorable Alfred C. Sikes  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Room 814  
Washington, D.C. 20554

The Honorable Andrew C. Barrett  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W.  
Room 844  
Washington, D.C. 20554

The Honorable Ervin S. Duggan  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W.  
Room 832  
Washington, D.C. 20554

The Honorable Sherrie P. Marshall  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W.  
Room 826  
Washington, D.C. 20554

The Honorable James H. Quello  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W.  
Room 802  
Washington, D.C. 20554

Roy J. Stewart  
Chief, Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Room 314  
Washington, D.C. 20554

William Hassinger  
Assistant Chief (Eng.)  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Room 314  
Washington, D.C. 20554

Robert H. Ratcliffe  
Assistant Chief (Law)  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Room 314  
Washington, D.C. 20554

Douglas W. Webbink  
Acting Chief  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W.  
Room 8010  
Washington, D.C. 20554

James McNally  
Chief, Engineering Policy Branch  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W.  
Room 8112  
Washington, D.C. 20554

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Room 702  
Washington, D.C. 20554

Clay Pendervis  
Chief, Television Branch  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Room 700  
Washington, D.C. 20554

David E. Hilliard, Esq.\*  
Wayne D. Johnson, Esq.  
Wiley Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
Counsel to Airtrax

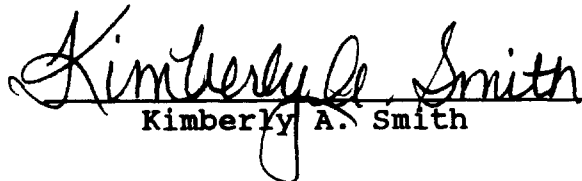
John D. Pellegrin, Esq.\*  
Pellegrin & Levine, Chartered  
1140 Connecticut Ave., N.W.  
Suite 606  
Washington, D.C. 20036  
Counsel to Southwest Missouri  
Cable TV, Inc.

Bruce H. Turnbull, Esq.  
Weil, Gotshal & Manges  
1615 L Street, N.W.  
Washington, D.C. 20036  
Counsel to Vidcode Incorporated

John Griffith Johnson, Jr.\*  
Bryan, Cave, McPheeters & McRoberts  
1015 15th Street, N.W.  
Suite 1000  
Washington, D.C. 20005  
Counsel to Airtrax

---

\* By first-class mail.

  
Kimberly A. Smith